

On a motion of Senator Armistead,
The resolution was referred to the
Committee on Public Lands.

The following message was received
from the Governor:

STATE OF TEXAS,
EXECUTIVE OFFICE.

To the Senate of Texas, in Session:

GENTLEMEN—Calling your attention to the clause in the act creating the Commission of Arbitration and Award where it is provided that, "In case of a vacancy on said commission by the death or resignation of any member thereof during the vacation of the Legislature, it shall be the duty of the Governor to fill the same by appointment, and the person so appointed shall continue in office until the next regular session of the Legislature after the appointment," thereunder I appointed the Hon. Edwin Hobby a member of said commission, vice Hon. Richard Maltbie, deceased; and desiring to continue him in said office, ask your confirmation of his appointment.

L. S. Ross,
Governor.

On motion of Senator Armistead,
The Senate then went into executive session to consider the appointment made by the Governor.

IN SENATE.

On motion of Senator Armistead,
The confirmation was ordered printed in the Journal and the Governor to be notified of the same.

The Senate advises and consents to the appointment of Edwin Hobby to be a member of the Commission of Arbitration and Award.

On motion of Senator Armistead,
The Senate adjourned until 10 o'clock to-morrow morning.

SEVENTH DAY.

SENATE CHAMBER,
AUSTIN, January 15, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by Rev. Dr. King of Waco.

On motion of Senator Upshaw,

The reading of the Journal was dispensed with.

On motion of Senator Tyler,
Senator Glasscock was excused for to-day, on account of important business.

On motion of Senator Frank,
Senator Armistead was excused till Monday, on account of important business.

On motion of Senator Simkins,
Senator Abercrombie was excused until Saturday, on account of important business.

REPORTS OF STANDING COMMITTEES.

By Senator McDonald:

COMMITTEE ROOM,
AUSTIN, January 14, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 25, entitled "An act to repeal chapter 8 and articles Nos. 3224, 3925, 3926, 3927, 3728, 3929, 3930, 3931, 3932, 3933, 3934, 3935 and 3936 of the Revised Statutes," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it be referred to the Committee on Public Lands, where it properly belongs.

All of which is respectfully submitted.

MCDONALD,
Chairman.

COMMITTEE ROOM,
AUSTIN, January 14, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 13, entitled "An act to amend chapter 4, title XCV, of the Revised Civil Statutes of the State of Texas, by adding thereto article 4761a," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill provides that no money collected for the State shall be paid out in the counties by the tax collectors; but all State funds collected by them shall be paid over to the State Treasurer.

All of which is respectfully submitted.

MCDONALD,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 14, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Lane,
Maetze,
Morris,

Pope,
Simkins,
Upshaw.

Senator Stephens moved to

Amend, beginning on line 19, so as to read as follows: "Shall be punished by fine of not less than twenty nor more than one hundred dollars, and shall be confined in the county jail not less than ten nor more than thirty days."

Lost.

The bill as amended was ordered engrossed by the following vote:

YEAS—16.

Allen,	Ingram,
Burney,	Jarvis,
Claiborne,	Kimbrough,
Cranford,	McDonald,
Davis,	Seale,
Douglass,	Simkins,
Field,	Stephens,
Frank,	Tyler.

NAYS—10.

Atlee,	Morris,
Burges,	Pope,
Harrison,	Sims,
Lane,	Upshaw,
Maetze,	Woodward.

Senator Kimbrough entered a motion to reconsider the vote just taken.

The following message was received from the House:

HOUSE OF REPRESENTATIVES,
AUSTIN, TEXAS, Jan. 15, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—I am directed by the House to inform the Senate that the House has adopted the joint report of the committee to arrange for the inaugural ceremonies.

W. M. IMBODEN,
Chief Clerk House of Representatives.

On motion of Senator Jarvis,

The Senate repaired to the House of Representatives for the purpose of participating in the inaugural ceremonies.

IN JOINT SESSION.

Senator McDonald, President *pro tem* of the Senate, and Hon. F. P. Alexander, Speaker of the House, presiding.

The Senate roll was called.

Quorum present.

The House roll was called.

Quorum present.

Prayer by the Chaplain of the Senate, Dr. Smoot.

The Hon. L. S. Ross, Governor-elect, had the oath of office administered to him by Hon. Norman G. Kittrell, judge of the Twelfth judicial district of Texas, and, being introduced by the Speaker, delivered the following address:

GENTLEMEN—To the people of Texas, who have for the second time vested me with the authority of Chief Magistrate, I am unable to express how deeply sensible I am of the high honor which this mark of their renewed confidence implies. And standing upon the threshold of a new administration, with the retrospect in our possession by which we may in a measure estimate the accomplishments of the past and the possibilities of the future, I should be faithless to duty did I not recognize an individual obligation to administer the affairs of your government with the single-hearted determination to do all in my power to make the whole people more prosperous and contented, and strengthen the bonds which should unite them in a common grand destiny.

We have just emerged from a political contest involving the excitement of a presidential and State campaign, that justly agitated the entire State and stirred its people to the profoundest depths, and I congratulate you as their representatives upon the valid claim that there has neither been violence, evidence of fraud or diminution of the right of franchise; but, on the contrary, every citizen, without reference to former or existing conditions, who was entitled to vote has been accorded a free and unabridged exercise of this great privilege.

The spirit of subordination of our people to the laws and their prompt obedience to the demands of orderly government could not have been more forcibly exemplified. They fully appreciated the fact that the great fundamental principles of a popular government is the residence of power in a legal and properly ascertained majority, and the behests of the party ceased and the claims of country intervened in complete majesty, enabling them as patriots to lift themselves above the obligations of partisans in compliance with the truest principles of statesmanship, which consists in a ready and proper adjustment of affairs to the existing conditions.

Acknowledging no master but the law and the Constitution, and without fear of being despoiled of their political liberties by an unjust and unlawful interference of federal power to

hold them in servile thrall, they simply claim the right as a sovereign people to regulate their internal and domestic affairs in their own way, being inflexibly opposed to such interference because they have seen and felt its injustice and know that it must end in the creation and perpetuation of sectional jealousies, prejudicial to that harmony and cordiality which is so greatly to be cherished and so important to their progress as a people.

No citizen of Texas will permit himself to forget that he is a part of the government, and that the highest considerations of personal honor and patriotism require him to maintain by all the power and influence he may possess, the integrity of the laws of nation and State. And yet it sometimes happens that the enactment of laws cannot be wisely undertaken when partisan interests and bitterness intervene to deny them that impartial consideration which alone can confer lasting benefit. But I feel assured that in the exercise of your official responsibility, fraught with consequences so momentous, you will temper your judgment with the keenest sense of discretion, controlled by a spirit of fairness, that will command the acquiescence of the whole people, and strengthen their confidence in the ability of their law-makers to preserve substantial justice between contending interests so far as it may be done in framing a code of laws.

It is needless to remind you that as legislators you have an important and peculiar province committed to your care, and the constant changes and variations in the conditions of society makes frequent legislation necessary to conserve and protect public interests, and yet it is a maxim as true as it has become trite, "that the least governed is the best governed State," and a few laws faithfully administered are far better than volumes of statutes amended beyond the comprehension of the people who are required to obey them, creating an immense public burden in having them expounded and applied. As the government is responsible to the citizen and not for him, he should not be placed under a sleepless espionage that takes cognizance of everything he does, while undermining a true spirit of manhood, and inspiring an element of unrest that becomes a constant menace to public peace and safety.

I am firmly established in that standard of political faith that holds

to a plain, simple government, with severe limitations upon delegated powers, honestly and frugally administered, as the noblest and truest outgrowth of the wisdom taught by its founders, and which has proven through all vicissitudes the most valuable safeguard to public liberty, freedom of conscience, and a noble manhood, limiting the domain of its authority in the social compact to the preservation of public order through local agencies, and the administration of justice with the view of protecting every real and substantive right, while leaving all else to the unfettered enterprise of the citizen under the regulation of that moral power which springs from self-reliance, enlightened conscience, and a cultivated intelligence, crystallized into a devoted patriotism.

I have been led the more earnestly to these views because, in my judgment, one of the most serious perils threatening the integrity of our government lurks in the growing tendency on the part of the people to underestimate their duty and power and to call upon Hercules for aid, when their own shoulders are ample to move the wheels if applied with vigor and energy. How often do we see officials who are conservators of the peace, with a law abiding community subject to their direction for the vindication of the majesty of the laws, proclaim the want of reliance in a local community, and at the same time putting implicit faith in the ability of a half dozen rangers, clothed with the symbol of State power, to give needed protection and restore order, thereby probably unavoidably forming and encouraging the growth and spread of sentiments adverse to a proper feeling of self-dependence, self-reliance and self-maintenance, rather than a sturdy independence and manhood among the people, so essential for the healthy development and continuance of a form of government like ours.

This reasoning might be carried to a much greater length, and applied to the tendency of legislation toward destroying the individual enterprise of the citizen by an unreasonable extension and continuance of corporate powers and immunities for purposes that could as well be conducted by individual effort, taking under such protection all classes of business and every character of industry or enterprise, the greater part of which can with much greater safety to the com-

munity be confined to personal competition and liability.

It is conceded that many business ventures involving large capital justify corporate powers, but it is hard to understand the character of justice that exempts the corporator under these privileges from the same care and liability that is exacted from the individual citizen, and shields him in a failure, whether from want of care, extravagance or lack of attention to business, from loss beyond the amount of stock owned. The extent to which this power is drifting under cover of law seems to me to be hastening the growth of monopolies and moneyed combinations likely to become a heavy burden if not disastrous to the general public, and presents a serious consideration as to whether it is not the part of wisdom to curtail its privileges rather than to extend them further.

There is another feature involved in this line of thought with a more direct bearing upon the prosperity of our State, but which statutes, however wise, cannot reach or remedy, mentioned with the hope of bringing our people to a fuller realization of the importance of that individual enterprise and independence which is so necessary to prosperity.

We have a State surrounded with exceptional advantages in climate and a soil fertile to exuberance in the production of all the staple products and cereals, and peculiarly adapted to the creation of such wealth as is incident to the farm or stock ranch; and yet, the statistics exhibited by our agricultural department show that nearly seven millions of dollars were expended abroad by our people for flour, bacon, lard and syrup, supplying us with an example, rich in undisguised and indisputable proof of the extent to which other people less favored with natural or artificial advantages are achieving the magnificence of their States and the prosperity of themselves at the expense of our own. This has its punishment in poverty, and every interest is suffering that punishment which this improvidence, want of frugal habits, and dependence on others begets. Self-reliance is the great element of success in this world with States and individuals, and as self-preservation is a natural duty binding upon all alike, and there being no constitutional amendment that I am aware of compelling our people to send to our Northern neighbors for everything we need, from a hoe-handle to a steam engine, without the least trace of hostility or bitterness, I

would invoke them to a more perfect reliance upon the energies and the resources which they can find within themselves by the development of home industries, home markets, and individual enterprise. History does not record an instance of greater power to conquer adversity than our people have proven themselves capable of in times past when the necessity was upon them. It has been but a little while since our State was wholly prostrated in its material resources and overwhelmed by the rapidly succeeding waves of unprecedented reverses, political troubles, social disorders, and financial derangements; her works of internal improvements retarded or abandoned altogether; capital shunned her borders because of the unsettled condition, and sought safer and more prosperous channels of employment, leaving industry paralyzed and labor to contend at odds with want. But happily in course of time the superior intelligence and energy of the people made their impress and established their dominion, and the plowshare of industry was run deep among the smouldering embers of strife, turning them under the soil to be watered by the showers of material prosperity, and by methods of peace the wisdom of her rulers introduced into her governmental affairs, those patient, painstaking, economical habits which characterize the conduct of successful private business, and to capital and honest industry they promised encouragement, protection and the enjoyment of the highest freedom consistent with civil government, with exemption from heavy taxes and a happy home amongst a generous, brave and intelligent people. And to-day, as we take in the full measure of the picture and our hearts swell with exultant pride, we claim that the genesis of her prosperity has scarcely yet been written, and as we stand upon the Prigsah top from which we can view the inheritance of prosperity and political power that awaits her, no conceivable advantage that could inure to any class or special interest, nor even the increase of federal representation, would compensate for the loss of that prestige and power that exists in the presence of her united people with the strength born of unity.

Hon. T. B. Wheeler, Lieutenant-Governor-elect, also took the oath of office, and, being introduced by Hon. F. P. Alexander, Speaker of the House, spoke as follows:

Members of the Legislature:

My excuse for appearing before you, after the very eloquent address of our distinguished Executive, is in response to a custom which requires the Lieutenant-Governor to say something on this occasion.

Through the kindness and generosity of the people of the State of Texas, I again occupy the position of Lieutenant-Governor. For this indication of their continued confidence and the honor conferred on me, I wish to express my gratitude and assure them that I will endeavor to do my whole duty to the people of this great commonwealth.

Having been raised in this State, I am proud of Texas, her history and traditions, her present greatness and future possibilities. I do not believe any true Texan can contemplate the history of our State or the character of the men who made that history, without being imbued with a pride which will tend to make him a patriot and lover of Texas.

Men of other countries have been immortalized in poetry and song, but none of any country or age deserve more the commendations of our race than the patriots, statesmen and heroes who bequeathed to us this vast empire.

By their sacrifices and heroism they secured and gave to us a territory so extensive that it includes almost every variety of climate and a soil so varied and prolific that it produces every product which is necessary for the support and comfort of man.

Our State is in such proximity to Mexico and the South American States that we can, with ordinary industry and enterprise, supply those markets with all the needed manufactured goods at cheaper rates than any other state or country. Our geographical position is so advantageous, lying as we do, across the natural pathway of the great Northwest to the ocean, if the general government will legislate judiciously in regard to the Indian Territory, and securing deep water on our coast, many more trunk railway lines will invade our territory from the North and Northwest and bring the products of that wealthy and extensive region to Texas ports.

With the advantages here indicated and many more which our State possesses, it only required a continuance of the liberal, wise, conservative government to make Texas the greatest of all the grand States of this wonderful Union.

But we should not forget that with the bequest of this great territory and its unequalled resources, came many ponderous responsibilities which have been nobly met by those who have controlled its destinies. These responsibilities in augmented proportions, are to-day thrust upon us as the servants and representatives of the people.

Many important and difficult questions, which demand the deepest thought and wisest action, must receive attention; but when I look over the men assembled here to-day, I feel that we will have just and statesmanlike legislation. In your conduct as legislators I know you will be inspired by the patriotic impulses of those noble rulers who have gone before, and will be imbued by that high sense of duty which will sacrifice every individual interest to the good of the public service and the welfare of the State.

It is not my province as Lieutenant-Governor to make any suggestion regarding legislation, but I will take the liberty of expressing a few thoughts on questions agitating the public mind. As the perpetuity of our free institutions depends upon the intelligence of the people, our public school system, as rapidly as the financial condition of the State will permit, should be made such that every child in Texas can receive a good common school education at the least possible cost to the people.

I would also like to see our normal schools made so efficient that Texas teachers could be thoroughly prepared to teach Texas children.

Let the State University and all of its branches, as soon as practicable, be put in such perfect condition that they cannot be excelled; so that Texas' sons and daughters will remain in Texas and receive classical education in our own institutions. [Applause.]

Being thus educated, our people, while not possessing that objectionable provincial prejudice, will have that commendable State pride which is necessary to make a great and distinguished people.

There is one other subject to which I will refer. Some persons outside of the State, and who can have no special interest in our welfare, seem to advocate a division of Texas. I am in favor of crushing that sentiment in its incipency. [Applause.] If any of our citizens feel inclined to favor division, I wish to impress the undisputed fact on them that the political, financial and moral influence of one large State is far superior to

that of many small ones. I trust they will remember that this entire territory was consecrated by the blood and suffering of heroes and patriots, who bequeathed it to us as a vast undivided empire. If the beautiful form of Texas were torn asunder will those who favor division inform us what fortunate heir would inherit this magnificent edifice? To what favored section would belong the great Houston and his immortal associates? How would we dispose of Goliad, San Jacinto and the Alamo, with all those precious memories which cluster around them?

When these thoughts of division are pressed upon us, they but increase our love for the entire State, and make us unwilling to believe that any true Texan will ever consent to a dismembering of our magnificent Texas, or to a division of those sacred jewels which bedeck her beautiful bosom.

The State should remain undivided so that she in her great sovereign capacity and magnificent power can for all time to come maintain in her borders free constitutional government, and in the future, as in the past and present, give perfect protection to every citizen without regard to his previous condition, color, place of birth, or his political or religious proclivities.

In conclusion, permit me to beseech you and all citizens of Texas, for the admiration we have for her history and traditions, for the affection we hold for the patriots, heroes and statesmen who gave their services and lives that this extensive domain might be our inheritance, and for the love we have for free, constitutional government, let us preserve Texas as one great, undivided sovereign State, and bequeath her to prosperity unsullied, untarnished and untorn. [Prolonged applause.]

On motion of Senator Simkins,
The Senate returned to the Senate chamber.

IN THE SENATE.

(The President in the chair.)
On motion of Senator Burney,
The Senate adjourned until 10 o'clock to-morrow morning.

EIGHTH DAY.

SENATE CHAMBER,
AUSTIN, January 16, 1889.

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Davis,

The reading of the Journal was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Stephens:

Petition from the citizens of Lipscomb county requesting changes in the law regulating the sale of school lands.

REPORTS OF STANDING COMMITTEES.

By Senator Cranford:

COMMITTEE ROOM,
AUSTIN, January 16, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 1, being "An act to create the office of State Reporter and to provide for the printing and publishing the reports of the Supreme Court and of the Court of Appeals of the State of Texas," and find the same correctly engrossed.

CRANFORD,
Chairman.

By Senator McDonald:

COMMITTEE ROOM,
AUSTIN, January 16, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 69, entitled "An act to amend article 507, chapter 11, of the Revised Civil Statutes, so as to provide for the incorporation of towns and villages situated on both sides of a line dividing two counties," have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

The bill provides that if any town lie on both sides of a line dividing two counties, application for incorporation can be made to the judge of the county court of either county in which such town or village may lie. The bill further provides that where cases are tried before the mayor or recorder for offenses against the ordinances of such town or village, an appeal will lie to the county court of the county wherein the offense was committed.